

THE MAGNUSON-STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

The Magnuson-Stevens Fishery Conservation and Management Act, Public Law 94-265 as amended (Magnuson-Stevens Act), provides for the conservation and management of fishery resources within the U.S. Exclusive Economic Zone (EEZ). It also provides for fishery management authority over continental shelf resources and anadromous species beyond the EEZ, except when they are found within a foreign nation's territorial sea or fishery conservation zone (or equivalent), to the extent that such sea or zone is recognized by the United States.

The EEZ extends from the seaward boundary of each of the coastal States (generally 3 nautical miles from shore for all but two States) to 200 nautical miles from shore. The seaward boundaries of Texas, Puerto Rico, and the Gulf coast of Florida are 3 marine leagues (9 nautical miles).

GOVERNING INTERNATIONAL FISHERY AGREEMENTS

Under the Magnuson-Stevens Act, the Secretary of State, in cooperation with the Secretary of Commerce, negotiates Governing International Fishery Agreements (GIFAs) with foreign nations requesting to fish within the EEZ. After a GIFA is signed, it is transmitted by the President to the Congress for ratification.

FOREIGN FISHING PERMITS

Title II of the Magnuson-Stevens Act governs foreign fishing in the EEZ. The process applied to foreign fishing has been described in prior issues of this publication. As U.S. fishing capacity grew, foreign participation in directed fisheries, as well as in foreign joint ventures in which U.S. vessels delivered U.S. harvested fish to permitted foreign vessels in the EEZ diminished until, in 1991, foreign vessels no longer were permitted to conduct directed fishing in the EEZ. This marked the achievement of one of the objectives of the Magnuson-Stevens Act, that is, the development

of the U.S. fishing industry to take what were in 1976 underutilized species, and the displacement of directed foreign fishing effort in the EEZ.

As a result of the above, there has been no total allowable level of foreign fishing since 1991, although 15,000 mt of Atlantic mackerel and 40,000 mt of Atlantic herring were available for joint venture fishing in 1998. NMFS continues to maintain certain regulations pertaining to foreign fishing should there be a situation in the future in which allowing limited foreign fishing in an underutilized fishery would be of advantage to the U.S. fishing industry.

FMPs and PMPs

Under the Magnuson-Stevens Act, eight Regional Fishery Management Councils are charged with preparing Fishery Management Plans (FMPs) for the fisheries needing management within their areas of authority. After the Councils prepare FMPs that cover domestic and foreign fishing efforts, the FMPs are submitted to the Secretary of Commerce (Secretary) for approval and implementation. The Department, through NMFS agents and the U.S. Coast Guard, is responsible for enforcing the law and regulations.

The Secretary is empowered to prepare FMPs in the Atlantic and Gulf of Mexico for highly migratory species. Where no FMP exists, Preliminary Fishery Management Plans (PMPs), which only cover foreign fishing efforts, are prepared by the Secretary for each fishery for which a foreign nation requests a permit. The Secretary is also empowered to produce an FMP for any fishery that a Council has not duly produced. In this latter case, the Secretary's FMP covers domestic and foreign fishing.

As of December 31, 1998, three Preliminary Fishery Management Plans (PMPs) were in effect, some of which have been amended since first being implemented.

The Atlantic swordfish, Atlantic sharks, and Atlantic billfish fisheries are currently being managed by the Secretary under the Magnuson-Stevens Act

THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT

and the Western Atlantic bluefin tuna fishery is managed under the Magnuson-Stevens Act and the Atlantic Tunas Convention Act.

FISHERY MANAGEMENT PLANS (FMPs)

Under section 304 of the Magnuson-Stevens Act, all Council-prepared FMPs must be reviewed for approval by the Secretary. After FMPs have been approved under section 304 of the Magnuson-Stevens Act, they are implemented by Federal regulations, under section 305 of the Act. As of December 31, 1998, there are 39 FMPs in place. Of these, three are Secretarial FMPs for Atlantic highly migratory species. The 36 FMPs the Councils prepared are listed below. The FMPs are amended by the Councils and the amendments are submitted for approval under the same Secretarial review process as new FMPs. Most of the FMPs listed have been amended since initial implementation. Those marked with a double asterisk (**) were amended in 1998.

Northeast Multispecies
American Lobster
Atlantic Bluefish
Atlantic Coast Red Drum
Atlantic Mackerel, Squid, and Butterfish
Atlantic Salmon
Atlantic Sea Scallops
Atlantic Surf Clams and Ocean Quahogs (**)
Summer Flounder, Scup, and Black Sea Bass
Gulf and South Atlantic Spiny Lobster

Caribbean Reef Fish
Gulf of Mexico Reef Fish
Gulf of Mexico Corals
South Atlantic Corals
South Atlantic Golden Crab
Caribbean Coral Reef Resources
Gulf of Mexico Shrimp
Gulf of Mexico Stone Crab (**)
Gulf of Mexico Red Drum
Coastal Migratory Pelagics
Caribbean Queen Conch
Caribbean Spiny Lobster
South Atlantic Snapper/Grouper (**)
South Atlantic Shrimp
Northern Anchovy
King and Tanner Crab
Commercial and Recreational Salmon
High Seas Salmon
Pacific Coast Groundfish
Gulf of Alaska Groundfish (**)
Bering Sea and Aleutian Islands Groundfish (**)
Alaska Scallops (**)
Western Pacific Crustaceans
Western Pacific Precious Corals (**)
Western Pacific Bottomfish and Seamount Groundfish
Western Pacific Pelagics

In 1998, NMFS published 869 documents in the Federal Register which affected domestic fishing issues and either proposed or implemented fishery management actions (i.e., FMP and amendments). The documents published include hearing, meeting, correction, and proposed and final rule documents.